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OGC Has Reviewed

1 April 1955

MEMORANDUM FOR: Chief, Regulations Control Staff

SUBJECT : Proposed [] Travel Regulations,
Performance

1. The concurrence sheet for [] is returned unsigned since we perceive certain objections to the regulation in its present form.

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- (a) Par. 2-b, page 2. We know of no statutory authority which would require or permit the Agency to recoup the "damages" it might suffer due to the failure of travellers, authorizing officials or transportation officers to comply with its travel regulations. Further, in view of its control over the form and content of accountings and its authority to administer disciplinary action in a proper case, we believe this paragraph to be unnecessary.
- (b) Par. 2-c(1), page 3, line 2. We would revise this to read:
- "such dependents may be permitted to travel with the employee except"
- (c) Par. 5-d, page 5, lines 2-4. Since we believe that there may be reasons in addition to security which would justify a waiver here, we suggest that these be revised to read:
- "b and c above when in their judgment the circumstances are so unusual as to clearly constitute good and sufficient reasons for doing so"
- (d) Par. 6, page 6, line 4. We suggest that "his" be inserted between "submitting" and "claim".
- (e) Par. 6-a(1) and (2), page 6. We suggest that this notice-form material be revised to read as follows:

"(a) Airlines

"(1) Travel orders shall be construed to authorize the use of first-class accommodations unless they specifically provide otherwise. And in this regard the facilities of air coach or tourist accommodations should be required when such facilities are found to be substantially equivalent to those provided by first-class accommodations and that:

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- "(a) The schedules of available flights permit travel within desired departure and arrival time;
 - "(b) Travel by other than first-class flights is operationally feasible;
 - "(c) The employee and his dependents are not eligible for sleeping berths obtainable only on first-class flights."
- (f) Par. 6-b(1), page 7, line 7. We question the propriety of requiring Agency employees to use upper berths when lower berths are not available. It is our understanding that paragraph 13 of the Standardized Government Travel Regulations relating to train accommodations has been construed to authorize roomettes when lower berths are not available.
- (g) Par. 6-c, page 9. We suggest that this may be too detailed. It is our view that it would be better, after quoting the statute as is done here, to set forth a general explanatory statement such as follows:
- "Although the Agency is required generally to comply with the provisions of this statute, compliance is not required when to do so will cause excessive extra cost and delay. Thus, where routing designed to utilize an American vessel involves considerable land travel or transportation on a foreign vessel for a part of the journey with a consequent trans-shipment to an American vessel, resulting in excessive excess costs and delay, foreign vessels furnishing direct transportation between the point of origin of travel and the port of destination may be used. However, mere inconvenience, reasonable delays and minor economies are not factors which will justify the use of foreign vessels in preference to American flag vessels."
- (h) Par. 6-e(1)(a), page 12. We suggest that this be revised to read:
- "The use of a privately-owned conveyance on an actual expense basis may be authorized or approved provided the aggregate of allowable expenses plus increase subsistence expenses, if any, through increased travel time or less subsistence savings, if any, through reduced travel time as the case may be does not exceed the cost of transportation available by common carrier."
- (i) Par. 6-e(2)(a), page 12, lines 2, 3, and 4. We suggest that this be revised to read:
- "is authorized or approved as more advantageous to the Government or the cost thereof does not exceed the cost of travel by common carrier."
- (j) Par. 6-g(3), page 15, lines 3 and 4. In keeping with the provisions of paragraph 11-c of the Standardized Government Travel Regulations, we suggest that this be revised to read:

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"Government employee, shall be allowed in the absence of a satisfactory showing that the hire was not induced because of such personal or official relationship; or that in cases where the conveyance is furnished by a member of the family, that such member was not dependent upon the traveller for support."

- (k) Par. 8 and 9, pages 17 and 18. We suggest that in accordance with the provisions of paragraph 80 of the SGTR, claims for reimbursement of miscellaneous expenses be supported by receipts whenever practicable. It is therefore suggested that these paragraphs be combined to indicate such a requirement.

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Office of General Counsel